

JONES DAY

250 VESEY STREET • NEW YORK, NEW YORK 10281.1047

TELEPHONE: +1.212.326.3939 • JONESDAY.COM

DIRECT NUMBER: +1.212.326.3808

JLOONAM@JONESDAY.COM

February 21, 2025

VIA ECF

The Honorable Michael E. Farbiarz
United States District Judge
U.S. District Court for the District of New Jersey
Frank R. Lautenberg U.S. Post Office & Courthouse
2 Federal Square
Newark, N.J. 07102

Re: United States v. Coburn and Schwartz, 19-cr-120 (MEF)

Dear Judge Farbiarz:

We represent Gordon J. Coburn, a defendant in the above-captioned action. We write together with counsel for co-defendant Steven Schwartz, objecting to the issuance of the Proposed Order sought by the government. *See* ECF Nos. 834; 838. To the extent the “Whereas” clauses of the Proposed Order seek to have the Court find, implicitly or otherwise, that the government has complied with the procedures set forth in the Executive Order pausing enforcement of the Foreign Corrupt Practices Act (“FCPA”), we believe the Court lacks necessary information to enter such an Order.

The Executive Order contemplates a pause in FCPA enforcement for 180 days, during which time “the Attorney General shall cease initiation of any new FCPA investigations or enforcement actions,” “review in detail all existing FCPA investigations or enforcement actions,” and “issue updated guidelines or policies, as appropriate, to adequately promote the President’s” policy objectives. Exec. Off. of the President, Exec. Order, Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security (Feb. 10, 2025) § 2. **After the revised guidelines or policies are issued, any enforcement actions “initiated or continued . . . shall be governed by such guidelines or policies; and must be specifically authorized by the Attorney General.”** *Id.* (emphasis added).

The Proposed Order does not indicate whether the Attorney General has issued updated guidelines, determined that the continuance of this case is consistent with those updated guidelines, or specifically authorized the government to proceed to trial. Accordingly, we object to the issuance of the Proposed Order.

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Respectfully submitted,

/s/ James P. Loonam
James P. Loonam

cc: All Counsel of Record (*via ECF*)